

N.D.A.G. Letter to Renner (March 29, 1985)

March 29, 1985

Mr. Jerry Renner
Kidder County State's Attorney
Kidder County Courthouse
Steele, North Dakota 58482

Dear Mr. Renner:

Thank you for your letter of February 19, 1985, concerning the ability of the chairman of a board of county commissioners to vote and to make motions or take other action as part of a meeting of the board.

N.D.C.C. §11-11-08 provides that the members of the board of the county commissioners shall elect one of their own as chairman. This statute further indicates that chairman presides at the meeting of the board. There is no language within this statute preventing the chairman from voting or otherwise taking part in the meeting.

As the statute clearly indicates that the chairman is a member of the board of county commissioners, the chairman enjoys the same privileges as do the other members. In the absence of specific language to the contrary, the chairman is able to vote on matters before the commission and to make motions as he so desires. Of course, should the commission adopt rules of procedure, such as Roberts Rules of Order, and where those rules prevent the chairman from initiating or seconding motions then those procedural rules would control.

However, the point to be made is that the statute does not provide any prohibition against the chairman of a board of county commissioners to vote or to otherwise participate in the making or seconding of motions.

Sincerely,

Nicholas J. Spaeth

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